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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,750	05/04/2001	David W. Jensen	00CR032/KE	2666

7590 04/18/2005

Rockwell Collins, Inc.
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EXAMINER

COUSO, YON JUNG

ART UNIT PAPER NUMBER

2625

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,750

Applicant(s)

JENSEN ET AL.

Examiner

Yon Couso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/28/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 and 15-19 is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new ground(s) of rejection.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 8, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franke et al (US Patent No. 6,411,328) in view of Paterson et al (US Patent No. 6,259,379).

Regarding claims 1 and 20, Franke discloses a vehicle control system comprising: the image capture device being capable to capture an image of the portion of the system being monitored (23, 80, and 210 in figure 1); an image processing assembly for processing the image captured by the image capture

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device (106 in figure 1); a warning device for providing a warning to the user (212 in figure 1); wherein the image processing assembly processes the image captured by the image capture device in real time for determining if the warning condition exist and upon determining if the warning condition exists causes the warning device to provide a warning to the user (abstract, line 5-9; column 12, lines 18-22; and column 12, line 64-column 13, line 2). Even though Franke does not teach details on verifying the existence of warning condition, Franke clearly determining if the warning condition exists (abstract, line 5-9; column 12, lines 18-22; and column 12, line 64-column 13, line 2). Paterson teaches verifying the existence of warning condition by comparing the values to appropriate reference values before issuing the warning signal to the user (column 5, line 66-column 6, line 20). Given the reference at the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate Paterson's verification technique to increase the quality of the warning system.

As to claim 3, Franke discloses the warning device comprising a display displaying the image captured by the image capturing device to the user (28 in figure 1).

As to claim 6, Franke discloses image capture device comprising a video camera, wherein the captured image being comprised of at least one of a continuous video and sampled frames of a continuous video (23 in figure 1 and column 13, lines 55-64).

As to claim 4, Franke discloses querying the user to determine if the image should be displayed and displaying the image to the user if the user wishes the image to be displayed (column 14, lines 26-42).

As to claim 5, Franke discloses processing of the captured image comprising at least one of processing a fusion of at least two images received from the two image capture devices and processing a fusion of an image and a measured parameter (column 12, lines 24-42).

As to claim 2, Franke does not teach details on a memory for storing the reference portion of the image and comparing the captured image with reference image. Even though Franke does not teach details on how the system detects, locates, and characterizes traffic-related incidents, it is clear from the disclosure that the digital computer means in Franke's system performs image processing equivalent to image comparison in order to detect, locate, and characterize traffic-related incidents. Schofield discloses a memory for storing the reference portion of the image (column 19, lines 11-31) and comparing the captured image with reference image (abstract, lines 1-10). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine image comparison technique taught in Schofield's into Franke's system of detecting, locating, and characterizing traffic-related incidents because detecting, locating, and characterizing traffic-related incidents would require some kind of comparison of image data to the reference image as in Schofield to achieve this objective.

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As to claim 8, Franke teaches the captured image comprises at least one of an optical image, an infrared image, an ultra-violet image, and an image formed using non-visible wavelength of electromagnetic radiation (23, 80 and 210 in figure 1).

4. Claims 9-13, 15-19 are allowed.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ishihara et al is also cited.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

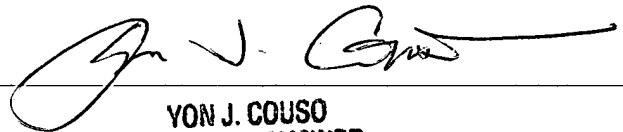
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (571) 272-7448. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YON J. COUSO
PRIMARY EXAMINER

YJC

April 14, 2005